FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR.

Misc. Civil Application No. 213 of 2006
(Babulal Sagarmal Agarwal Vs. Jitendra ShankarlalAgrawal & anr.)

Appeal — District :
Application No. — of 200
Writ petition

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's Orders

Mr. S.V. Bhutada, Adv. for the appellant.

CORAM : Smt. Vasanti A. Naik, J.
DATE : 24th August, 2007

This Court issued notice to the respondents on 12/2/2003, returnable after four weeks. It appears that the respondent no.1 is not served till today. It would not be necessary to serve the respondent no.1 before passing orders on this M.C.A. as the respondent nos. 1 and 2 were not represented by lawyer and also did not appear in person when the matter was dismissed for want of prosecution.

Heard the learned counsel for the applicant.

For the reasons stated in paragraph no.1 of the civil application, order dated 18th November, 2005 is recalled and the matter is restored to file as a substantial question of law is involved in the second appeal and the second appeal was admitted in view of the

same.

M.C.A. is, therefore, allowed and disposed of.

C.A. No. 3752/2007

Shri Bhide, the learned counsel for the applicant seeks permission to withdraw the application with liberty to file a fresh application in Second Appeal No. 576/1991 which is restored to file.

Permission and liberty are granted.

C.A. is disposed of as withdrawn.

JUDGE

RMP